NEW-YORK DAILY TRIBUNE THURSDAY HAVE I 1858

GRAPH'S ELECTRIC OIL is the marvel of this as, for the following (not everything): sibrinations of on in a day, the reas one to ten days.

Yes also Trotheche, two minutes.

Yes also Trotheche, Agne, one night.

Yes, New ided Glands, ten days.

Yes, New ided Glands, ten days.

Yes, Yes also Trotheche, Sait Rheum, three to six days.

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Yes also Trotheche, Sait Rheum, three to six days. ggiets, and by BARNES & PARK.

THE OA. GINAL AND GENUINE DR. S. P. TOWNSEND'S SARSAPARILLA Wholesale and Retail Depot No. 12 Broadway. corner Fulton-st., Office No. 2, opposite St. Paul's Church, New York.

WILLIAM H. KINSLEY, COMMISSION WHOLESALE DRUGGIST, No. 11 Gold-st, (near mader-late). New York-Mannfacturers of Patent Medicines and of Deutsitris articles may introduce or dispose of the same to the best salvantage by consigning as above. Orders for Drugs generally occuled with dispetch at the lowest market rates. WILLIAM BURGER, lefe Wholesale Druggist of Courtisad-st. office as above. Purchases, sales, advances, notes and other business negotiated.

#### Legal Notices.

TO BAWYERS. TO BAWYERS.

October of the competent to take charge of the charge of the competent to take charge of the charge o

IN PURSUANCE of an order of the Surrogate of the County of New-York, notice is hereby given to all persons having claims against CATHARINE H. SCOTT, late of the City of Rew-York, deceased, to present the same, with vouchers thereof, is the subscriber, at his office, No. 399 Water street, in the City of New-York, on or before the first day of August next. Dated Rew-York, he twenty-sixth day of January, 1856. gib lew mith EUGENH H. SULLIVAN, Administrates

IN PURSUANCE of an order of the Surrogate of the County of New York, notice is hereby given to all persons having claims against JOHN B. COOPER, late of the City of New-York, deceased, to present the same, with vouchers thereof, the substribers, at the residence of William Cooper, No. 88 Hammond street, in the City of New-York, on or before the sixth day of Beylember next.—Dated New-York, on or before the sixth day of Beylember next.—Dated New-York, the 3d day of March, 1856.

WILLIAM COOPER,

The County of the City of New-York of the City of March, 1856.

WILLIAM COOPER,

The County of the City of New-York of the City of March, 1856.

DUPREME COURT.—City and County of New-York.—ELIJAH B WESSON and TOWNSEND COX against LEN M. GRIFFIN.—Summons.—To the Defendant: fem are bereby summoned and required to answer the complaint in this section, which will be filed in the office of the Clerk of this Court at the City Hall, City of New-York, and to serve a copy of your answer to the said complaint on the subscribers, at their offices, No. 192 Broadway, corner John street, New-York City, within twenty days after the service of this summens on you, reclassive of the day of such service; and if you fail to answer the said complaint within the time afcreadd, the Plaintiff in this section will take judgment against you for the sum of \$4.245 49, with interest from February 25, 1856, less the sum of \$5.90 and interest from March 16, 1854, and for the further sum of \$7.76 18 and interest from March 3, 1855, beside the costs of this action.—Dated New York, April 19, 1852.

MILLER, PEET & NICHOLS, Plaintiffs' Attorneys.

SALE BY ORDER OF THE SURROGATE.—

Sorrogate's Court, County of New York. In the motter of the application to mortgage, lease, or sell the Real Estate of PATRICK BRADEN, deceased. By virtue and in pursuance of an order made in the shove matter on the 7th day of April, 1859, whereby this haberiber, Mary Braden, Administrative of the goods, elasteds and erredits of esid Patrick Braden, deceased, was redered by mid Surrogate, pursuant to statute, to make the sale bareinafer mentioned, for the payment of the debtas of said deceased, the subscriber, Mary Braden, Administrative, to sa fore-mid, will rell at Pablic Auction at the Merchants' Excharge, in the City of New York, on FRIDAY, the 11th day of June, 1859, at 12 o'cles at noon of that day, the following described REAL BSTATE, whereof the said deceased died saired, to wir: All that certain lot or parcel of land, with the buildings thereon, situate, lying and being in the Eightsouth Ward of the said City of New York, on the nerth-easterly side of Thirty-eighth street, between the Second and Third avenues, bounded as fullows: Seginning at a paint on the said north-casterly side of Thirty-eighth street, distant two hundred and sixty-seven feet eight inches south-easterly at sight angles with said Thirty-eighth street, distant we hundred and sixty-seven feet eight inches south-easterly step of Thirty eighth street, the particular of the said of the said Chirty-eighth street, when the said the said Thirty-eighth street, then a substitute of the said thirty-eighth street, then in the said the said thirty-eighth street when the said the CALE BY ORDER OF THE SURROGATE .-

# MORE TO BE ADMIRED THAN THE

EVER WORN BY KINGS OR EMPERORS.

WHAT? WHY A BEAUTIFUL HEAD OF HAIR. Because it is the ornament God himself provided for all our spec. Reader, although the rose may bloom ever so brightly in the glowing cheek, the eye be ever so sparkling, the teeth be those of pearls, if the head is bereft of its covering, or the hair special sp led and shriveled, barsh and dry, or worse still, if sprinbled with gray, nature will lose more than half her charma.

Pret. WOOD'S HAIR RESTORATIVE, if used two or three

Pref. WOOD'S HAIR RESTORATIVE, if used two of thems a week, will restore and permanently secure to all such an ornament. Read the following and judge. The writer of the first is the celebrated Pianist, Thalberg:

New York, April 19, 1838.

Dr. Wood—Dear Sir: Permit me to express to you the chilgations am under for the entire restoration of my hair to its original color. About the time of my arrival in the United States it was rapidly becoming gray, but upon the application of your "Bair Restorative" it soon recovered its original hue. I consider your Restorative as a very wonderful neutrino, quite efficacious as well as agreeable.

I am, dear sir, yours truly,

"Drych a'r Gwylledydet."

S. THALBERG.

"Drych a'r Gwylledydet."

Welsh Newspaper Office, No. 13 Nassau-st., }
April 12, 1838,

Prof. O. J. Wood—Dear Sir: Some month or six weeks ago;
received a bottle of your Hair Restortive and gave it to my wife
who concluded to try it on her hair, little thinking at the time
that it would restore the gray bair to its original color, but to her
se well as my surprise, after a few weeks triait is has performed
that wonderful effect by turning all the gray bairs to a dark
brown, at the same time beautifying and thickening the hair. I
wrongly recommend the above Restorative to all persons in want
of such a change of their hair.

CHARLES CARDEW.

New-Yows, July 25, 1867.

Pleasabt itching, so common among persons who perspire freely.

Prof. Wood: About two years ago my hair commenced failing off and turning gray: I was fast becoming bald, and hait tried many remedies to no effect. I commenced using your Restorative in January last. A few applications fastened my hair firmly. It was fast including the failing of the part of his properties. At this time it is fully restored to its original color, beath and appearance, and I cheerfully recommend its use to all. Chicago, Ill. May 1, 1857.

The Restorative is put up in bottles of three sizes, viz: large, medium and small. The small holds all least 20 per cent more in proportion, and retails for \$1 per bottle; the medium holds at least 20 per cent more in proportion, and retails for \$2 per bottle; the large holds a quark all per cent more in proportion, and retails for \$3.

O. J. WOOD & Co., Proprietors, No. 312 Broadway, New-York (in the great N. Y. Wire Railing Establishment), and No. 114 Market-st., St. Louis, Mo.

And sold by all good Druggists and Fancy Goods Dealers.

## PERSONAL.

-We are informed that Ex-Gov. Colby of New Hampshire is a candidate for the office of United States

or from that State. -The Rev. Geo. D. Cummins, Rector of Trinity Church in Washington, preached a sermon on May 2 upon the life and character of the late Rev. Dudley A. Typg, in which he said that Mr. Tyng "earnestly and deeply repented" of having introduced a political question into the pulpit. The Rev. Dr. Tyag of this city, being apprised of this statement, wrote as fol-

There is not the slightest foundation in truth for the

There is not the slightest foundation in truth for the ment that my son, in any way or shape, ever red, qualified or designed to do so, his soleon well considered protest against the oppression of wary. His first setmon was preached in June, Another, on the same subject and on the same dof consideration, in July, 1857. I send by mail a sy of the "statement" published by his own in egation. The last page wil show you his final section on this subject in December, 1856. So far as his inst sermon was concerned, I show determined this subject by any professed friends to him. I have now in press a sermon of Dr. Cheever, of this city, on his character under this special aspect, which I am sublishing with my own sanction, in order to do what even also me my duty in regard to the important subject.

Dr. Tyng incloses a note from his son to Dr. Casper Morris, dated Dec 8, 1856, in which he states that, having just read over his sermon on "Our Country Troubles," after nearly six months' interval, he fin no word in it which he would retract," and feels we than ever thankful for having been eashled to

" ...charge so solemn a duty."
—It is runiored that Gen. John E. Wool will be detailed to Stan to take the late G. a. Smith's position at the head of the United States forces. Gen. Wool is new in Washington.

# New-York Daily Tribune.

#### Bayard Taylor in Southern Europe No. LVI.

TWO DAYS WITH AN ARCHBISHOP. Correspondence of The N. Y. Tribune.

ATHENS, March 13, 1858. The chief city of Crete is known in Europe by its Venetian name of Candia, which during the Middle Ages was applied to the whole island. The country people, however, lovariably speak of it as Megalo-kastron, or the Great Fortress, while the educated Greeks, both in Crete and elsewhere, have restored the ancient name of Heracleion, which was a small seaport, near Cnossus. Of these names, the latter is preferable, and I have therefore em ployed it in former letters. Both among Greeks and Turks, the island has always retained the name of "Crete," instead of the bastard Venetian name of "Candia," which is only just beginning to be relinquished in Europe. The latter word is never heard in the Orient, and we have no longer any right to use it. I have employed the classic name as the only correct one.

At Heracleion, as at Rhithymnos, I was pro vided with a double recommendation, through the kindness of Vely Pasha, and the choice of taking up my abode either with the Turkish Governor, or the venerable Metropolitan (Archbishop) of Crete. The hate manifested toward the latter by the bigoted Greek party in the island, and their intrigues to have him removed by the Patriarch of the Church, at Constantinople, convinced me that he must be a good man, and I therefore determined to claim his hospitality. We reached the city early in the afternoon, in a very battered and rusty condition, splashed with mud from head to foot, and, as we threaded the streets on our jaded mules, were the objects of general curiosity. Travelers are vet so scarce in Crete as to be personages of some importance. Hadji Bey guided us to the Metropolitan's residence, a large, rambling building, with three separate court-yards, a chapel and large garden. His Holiness was not at home, but we were courteously received by several priests and a secretary who spoke Italian. They at once appropriated a room to our use, entertained us with pipes and coffee in the large audience room, and then considerately allowed us to withdraw and change our clother.

Presently, the arrival of the Metropolitan was announced, and we found him waiting for us at the foot of the steps. His age is sixty-three; he is a little under the medium hight, but erect and commanding in his appearance, with large, intelligent, benevolent gray eyes, a strong, straight, Albanian nose, and a majestic silver beard, which falls to his girdle. He wore a long, cinnamon-colored robe, over which was a dark-green pelisse, trimmed with fur, and the usual round black cap of the Greek priesthood, which somewhat resembles an inverted sauce-kettle. There was no fear of mietranslating the look of welcome upon that reverend face, or the cordial grasp of his extended hand. The extent of his hospitality will be better understood when I state (what we only learned on leaving) that he had made preparations for his departure into the interior on the morrow, and immediately postponed the journey on our account. Still holding my band, he led us up stairs to the divan, called for glyko (sweets)-a delicious jelly of strawberries prepared at Constantinople-pipes of the finest Rumeli tobacco, and coffee. I then gave him the Pasha's letter and a few lines of greeting from Elizabeth of Crete. With François' help-as it was rather a delicate

subject-I said to him that we would not trespass upon his hospitality further than to make use of the room allotted to us, as we were provided with every other requisite. He apparently acquiesced, to our great satisfaction, and I dispatched François to give into the charge of some Turkish baker, for cooking, a brace of hares which we had picked up the Middle Ages which I have ever seen. It is a at Asterakia. Shortly afterward, however, when we had retired from the audience, two priests came to bring us back again, stating that we were to occupy the divan. I protested, but in vain. The Metropolitan would hear of nothing else, and as the evenings were still cool, he ordered a huge mangal, or brazier of coals, upon which were laid strips of lemon peel, to neutralize the gas and perfume the apartment. It was a lofty, spacious room, with a raised seat covered with damask at the further end, and a thick straw matting on the floor. The only ornaments were some Byzantine pictures of the Sacrifice of Abraham, the Murder of Abel, and Joseph's adventure with Potiphar's wife singular pictures for an ecclesiastical residence. As I was resigning myself to this hospitality and its consequent restraints, the Metropolitan stated that dinner would soon be ready. So it appeared that we were doomed to eat at his table, also. Dinner with an Archbishop, in the midst of Lent: We were desperately hungry, and the hares, I thought, must be nearly done by this time. Farewell, visions of the savory roast, and the odoriferous stew! Garlie and pulse are our portion.

It was after dark when we were summoned, and descended together to a lower room, where the Metropolitan sat down to the table with us, while two priests stood by to wait upon us. There were two salads, a plate of olives, and some bread. We groaned in spirit, as we thought of the flesh pots of Egypt—as the officials of Berlin groaned, when they beheld Mr. Wright's temperance breakfast. Eqforced holiness is even worse than enforced tectotalism. The priests handed us plates of soup. Hot gruel, I thought; but no, it had a flavor of chicken, and before the plates were emptied, a heretical boiled fowl was placed under my very nose. Then, O miracle! marched in our hares, dripping with balmy sauce-cooked as never hares were cooked before. Meanwhile, the ruby blood of Ida gushed in our glasses, and we realized in its fullest sense the unreasonableness of Lent-how much more contented, grateful and recognizant one feels when feasting than when fasting. I could not help ejaculating, in all sincerity, "Dozasi'o theos! All this time, the good old man was contentedly eat ing his salad and olives. "This is liberal and truly Christian," I said to François. "Oh," replied that worthy, "his Holiness bas sense enough to know that we are no better than atheists." In fact, I do not doubt that, in the eyes of the two attendant priests, we were utterly lost.

Buring the whole of our stay, we fared sumptuously. The table groaned twice a day under its weight of fish, flesh and fowl, and, so far from being shocked, the Metropolitan benevolently smiled upon our mountain appetfices. I explained to him that the Protestants eschewed outward observances of this kind, considering that the fast should be spiritual and not bodily. In order to make the matter clearer to him, I referred to St. Paul's remarks | ruined temple. He informed me that Vely Pasha on the subject of circumcision. "I understand it | intends establishing a school in the city, in which

wise at present. My health suffers under the observance, but if I were to violate it, I should be chesed from my place at once." I must confess I it succeeds, it will be in spite of the Greek populahave a higher reverence for the virtue of hospitality than we seem to set upon it at present. When a Turk regales a Christian with ham (as it happened at Athens this Winter), when a lenten priest roasts his turky for you, when an advocate of the Maine Law gives his German friend a glass of wine, when some of my own anti-tobacco friends at home allow me to smoke a cigar in the back kitchen with the windows open, there is a sacrifice of self on the altar of common humanity. True hospitality involves a consideration for each other's habits-not our ercesses, mind you, but our usual habits of life-even when they differ on such serious grounds as I have mentioned. But I have dined with Vegetarians who said. "Meat is unwholesome, so my conscience will not let me give it to you," or with the Ventilators. who proclaimed that "fires in bedrooms are deleterious"-and I was starved and frozen. The Metropolitan, finding that I spoke a very lit-

tle Greek, insisted on dispensing with the aid of an interpreter. The purity of his accent, after the harsh Cretan dialect, in fact, made it comparatively easy for me to understand him, but it kept my brain constantly on the stretch to follow the course of his conversation, and to find suitable replies. He is a native of Epirus, of which province he was Bishop for ten years, before coming to Crete. He is, therefore, of Slavonic, not Hellenic blood. It is well known that Bishoprics and Archbishopries in the Greek Church are marketable commodities in the hands of the Patriarch, and Francois says, with how much truth I know not, that our host's place cost him 300,000 plasters (\$12,000) It seems certain, however, that he will not be allowed to keep it long-he is far too enlightened and progressive for the owle and bats who haunt the darkness of Eastern Christianity. His first act was to establish a school at Heracleion, and already sixteen hundred children of both sexes are receiving instruction in it. All his influence has been exerted in persuading the monasteries of Crete, which are the very hives of indolence and rapacity, to establish schools for the peasantry with a portion of their ample revenues; but only three or four have as yet consented to do so. In his endeavors, also, to assist Vely Pasha in carrying into force the Hattihumayoun, he has incurred the hostility of the ultra-Greek party, who call him, in derision, the "Turkopolite." It is very cheering to light upon an evidence of true progress, in the midst of the disheartening experiences which constantly meet the traveler in Greece and the Orient.

The day after our arrival, the Metropolitan accompanied us on a walk through the city. The place was totally destroyed by an earthquake a year and a half ago, between five and six hundred people perishing in the ruins. Advantage of this has been taken, in rebuilding, to widen the streets and improve the general plan of the town, though not to such an extent as the Government designed, on account of the violent opposition of the people. One sees everywhere heaps of ruins. As we walked through the streets, followed by the two secretaries. the tradesmen and mechanics in the bazaars saluted the Metropolitan by rising to their feet, and in return he gave them his benediction by lifting two fingers. We first called upon the Turkish Governor, a young man, whom I should have set down anywhere as an American, from his face. He offered us house, horses and everything else in his power, but we only accepted an officer as guide to the fortifications and the old Venetian areenal. The former are of immense strength and solidity, and the bronze guns of St. Mark still grin through the embrasures of the sea-wall. The port is quite small, and partly choked up with sand. It is protected by a mole, which is tumbling down, with a deserted fort at the extremity. Considerable commerce is carried on with other ports of the Levant, and even with England, the principal exports being soap, oil,

wine, silk and wool. The arsenal is one of the most curious relics of assive stone building in the Palladian style. One side was thrown down by the earthquake, and the other walls cracked in many places from top to bottom, but fortunately not beyond the possibility of repair. It is completely stored with arms of all kinds, heaped together in great piles and covered with rust. Scores of cannon, with their carriages, lean against the walls; great haystacks of swords rise above one's head; heavy flails, studded with spikes, lances, arquebusses and morning-stars are heaped in dusty confusion along the length of the dark hall. In the upper story is a space evidently devoted to trophies taken in war. To every pillar is affixed a wooden shield with a Latin motto. around which are hung helmets, pikes, rapiers and two-handed swords. There are also a multitude of tents, cordage, and kettles of balsam, which was used in making plasters for the wounded. Everything appears to be very much in the same condition as it was left by the Venetiams, two centuries ago. The officers gave me leave to select an arrow from the sheaves of those weapons, cautioning me, however, not to scratch myself with the point, as many of them were poisoned. The Metropolitan's secretary, who longed for a Christian relic, secretly slipped one of hem up his sleeve and carried it off.

We then visited the Venetian cathedral, afterward a mosque, and now, owing to the earthquake, a beautiful ruin. While I sketched it, the two secretaries, who stood near, conversed about us. "How is it," asked one, "that the Americans have Hellenic faces? The officers of the Congress all looked like ancient Greeks, and so de these two!" The remark was evidently intended to be overheard, for nothing could be further from the truth. We had at last sunshine again, and the twenty palms of Heracleien waved in the balmy air, which brought them greeting from the near Libyan shore. Ida rose unclouded in the west, its superb pinnacle just visible above its buttresses of gilded snow, while over the warm wheat-plains and the low hill of Cnessus towered Juktas in lonely grandeur, as if proud to be the sepulchre of Jove. I projected a ride thither, but the Thunderer's tomb was not to be trodden by profane feet: the snow still lay deep on the summit, and the monks of the monastery of Arkhanic, at its base, reported that the mountain was inaccessible.

We went the round of the schools in company with the Metropolitan, who introduced us both to teachers and scholars, making a short address to each class. The more advanced boys were reading Xenophon, which they parsed and explained with great glibness. I was delighted to see such a number of bright, intelligent faces, especially among the younger boys. Their eager, earnest expression was an evidence that their attendance was not compulsory. The Metropolitan was kind enough to translate a few words to them, for me, and I really felt, as I told him, that such a sight was better than a very well," he replied, "but we cannot do ether- both Greek and Turkish children shall be taught

together, and I was very glad to find that he was himself strongly in favor of the measure. But if

Outside the walls, there is a separate village for the lepers, as at Rhithymnos. These unhappy creatures are obliged to leave their native villages as seen as the disease makes its appearance, and consort with those who are cut off from intercourse with the healthy population by the same fate. The disease, in Crete, although presenting nearly the same features as in Norway, is slower in its operation and less hideous in its appearance. It is not considered contagious, as there are many instances on the island of a leprous man being married to a sound woman, and the reverse, without communicating the disease. The children of such unions are cometimes healthy, even. The number of lepers in Crete is upward of 1,200, and is at present on the increase, the disease invading even Sfakia, where it has hitherto been unknown. It has been ascribed, as in Norway, to the use of salt fish, together with excessive quantities of oil, and espe-cially new oil, which has a fiery, acrid quality, which it loses after a few months. The filthy habits of life of the Cretans no doubt assist in developing the disease. The Medical Inspector of Heracleion, a French physician, informed me that all his endeavors to cure or check it had been in vain. He was very decided in the opinion that it was not infectious. He mentioned to me, as a very curious fact, that venereal diseases are unknown on the island.

The same gentleman was well acquainted with Sfakia, and his enthusiastic descriptions of the people made me more than ever regret that I could not have visited them. He considers them Cretans of unmixed bleed-the legitimate descendants of the ancient stock, asserting that they still retain all the physical marks of the old Hellenic race, both in face and form. In fact, one sees more Greek faces in a day in Crete, than during a year in Athens. But in the greater part of the island the type has been modified by additions of Saracenic, Venetian and Turkish blood: only in the mountain fastnesses of Sfakia does the true race of Minos exist.

Vely Pashs, I had almost forgotten to say, intends sending a stone to the Washington Monument from the rains of Cnossus, with this inscription: "The country of Minos and Rhadamanthus to the Liberator of America."

We left Heracleion in the Austrian steamer, on Tuesday last, and returned hither by way of Syra. Our parting with the noble old Metropolitan was the parting from a revered friend, and François. who acknowledged that he had at last found one priest worthy of his office, kissed devoutly the hand stretched out to take his own. So endeth our journey to Crete. B. T.

#### MEXICO.

THE CLOSING OF THE PORTS. The following decrees have been issued by the Gov

ernmen' of Zuloaga:

"Felix Zuloaga, President ad interim of the Mexican Republic, to the inhabitants of the same makes known that, by virtue of the powers with which he is invested, he has thought proper to decree as follows:

"The port of Tuspan is declared to be open to foreign commerce until the Government shall determine on its closure.

"Given in the National Palace in Mexico, this 5th of May, 1858.

Felix Zuloaga.

of May, 1858.

"God and liberty. Mexico, May 5, 1852."

"Felix Zuloaga, President ad interim of the Mexican Republic, to the inhabitants of the same makes known that, in conformity with Art. 1 of the law of Feb. 22, 1832, he has thought proper to decree as follows:

"ARTICLE 1. The ports of Vera Cruz and Matamoras in the Gulf of Mexico, and of Acapulco and Manzanilla on the Pacific, are declared to be closed for foreign commerce and for the coasting trade. This decree will cease when the Government shall so determine. mine. "ART. 2. Vessels consigned to the ports of Vers

"ART, 2. Vessels consigned to the ports of Vera Cruz and Matamoras, during the said closure, can discharge at Tuspan, which by another decree of this date is declared to be provisionally opened for foreign commerce; and those consigned to Acapulco and Manzanilla, can discharge at Mazatlau.

"ART, 3. This decree will begin to take effect in six days from its publication in this capital, with respect to Vera Cruz; in fifteen days with respect to Matamoras; and in thirty days with respect to Acapulco and Manzanilla.

Given in the Palace of the National Government

in Mexico, on the 5th of May, 1858.

"FELIX ZULOAGA.

"God and liberty. Mexico, May 5, 1858."

DOINGS OF THE BRITISH CRUISERS.

THE BRIG MIANUS BOARDED. Capt. Purkis, of the brig Mianus, arrived on Wednesday morning from Black River, Jamaica, reports that on May 20, lat. 24 19, lon. 82, made British war steamer Styx, directly ahead, and when abreast of her she lowered a boat, and fired a gun for us to heave to. As it was blowing rather fresh at the time, we having studding sails set, were some time in getting hove to. We were then boarded, and asked where the vessel was from, where she belonged, what was her cargo, where bound, &c.; and after being detained over an hour, we were allowed to pro-

ceed on our passage.

The mate of the Mianus subsequently told our reporter that no gun was fired from the cruiser. The Styx signaled to them to stop, and they did so. An officer came on board and politely asked the name of the vessel, and her destination. The Captain invited him to the cabin, and answered his questions, upon which the officer immediately returned to his vessel, and the brig resumed her course after a detention of STILL ANOTHER, AND WORSE .- The Herald con-

tains the following: "WASHINGTON, June 1, 1858.

"It is stated here that reliable information has been received that a British cruiser had fired into an American vessel and that one man was killed. The occurrence is said to have taken place of Pensacola. It is furthermore stated that the Uhited States steamer Fulton had gone in chase of the cruiser."

Fulton had gone in chase of the craiser.

THE STYN SUPPOSED TO BE IN PURSUIT OF ANOTHER AMERICAN VESSEL.—The American brig Abram, from Savanilla to New-York, hove to off Key West on the 25th ult., and signaled for a pilot, in order to land some passengers on their way to New-York via Charleston. A pilot-boat came and took off the passengers, and the brig stood on her course. She had sengers, and the brig stood on her course. She had scarcely got under way before the Styx, lying at archor at Key West, weighed and started after her. From the course taken by the steamer, and the contitued thick stream of smoke, there can be no doubt of the intentions of her commander to pursue and examine the brig, which must have taken place in American waters, as the breeze was light. The result will be known on the arrival of the brig in New-York. Should the Styx have overtaken and searched the vessel, no insolerce as yet offered by the British vessel, no insolerce as yet offered by the British vessel and the starting from under the guas of an American waters. The commander of the Styx, we understand, expressed regret at having entered Key West, as the citizens had shown freezing coolness to himself and officers, but excused himself by affirming that he was merely carrying out his instructions.

[N. Y. Herski.] THE STYX SUPPOSED TO BE IN PURSUIT OF ANOTHER

### THE TURF.

UNION COURSE, L. I.-TROTTING-Tuesday, Jane 1, 1858.-Match, \$5,000; mile heats; best three in five,

seconds.
Union Counse, L. L.—TROTTING—Monday, May
31, 1858.—Parse, \$100; mile heate; best three in five, Wag Obs.
G. Jenkin's ch. g. Mohawk.
H. Woodraff's h. g. Phil.
D. Pifer's h. m. Mills.
S. McLaughlin's h. m. Lady Jaco.
J. Doty's f. g. Jerry.
B. Heagiand's h. m. Lady Palmer.
J. Couway's h. m. Lady Jane.
Mr. Banker's h. m. Gipey Girl.
Mr. Banker's h. m. Gipey Girl.
Time: 2:39-3:40-3:40.

## LAW INTELLIGENCE.

FLAGG agt. SMITH AND FITZPATRICK.

RECORDER'S OFFICE-JUNE 2 - Before Recorder BARNARD. RECORDER'S OFFICE—JUNE 2—Before Recorder Bannard.

Recorder Bannard yesterday delivered the following charge in the important case of Controller Flagg agt.

James B. Smith and John Fitzpatrick, on the charge of defrauding the city treasury of \$10,000. The testimeny taken at the examination is fresh in the mind of the public, but the Recorder's decision will elucidate it still further.

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The People, &c., agt. James B. Smith and John Fitzpatrict.

The defendants were brought before me for preliminary examination, on charge of conspiracy to defraud the city of \$19,000.

To understand the allegations made by the presecution, a resume of the mode in which the city contracts for the doing of certain work, and makes payment therefor, will be necessary.

When any work is to be done to or on the streets of the City of New-York (such as paving, regulating, flagging, setting curb and gutter, building sewers, etc.), the Corporation enters into a consect with such person who hids to do the work at the lowest sum. The contract price, with sundry incidental expenses, are assessed on the property benefited by the work to be done, and an assessment roll apportioning the whole expense among the owners of the various lost is made up by certain persons called assessors. At the time when the facts upon which this prosecution rests transpired these assessment rolls were sent to the Controller's office and an abstract taken from them and entered in a book kept for that purpose. This sherract occurred contains the title of the assessment, the name of the contractor, the amount for advertising, assessing and collecting, the footing up, the name of the collector, and the date of the confirmation. Upon this abstract, or a vitatement founded on it, the Controller pays the contractor. At this time an ordinance was in existence allowing advances to be made monthly, as the work progressed, on jobs over \$10,000, the contractor, but changes with interest at 7 per cent on the advances from the time of the making there of till the end of the centracts. The various payments made were also entered in the book containing this abstract. Payments were made sometimes by check and ways is auded for even hundreds.

The allegad conspiracy has rislant to a contract for paving and and got the centracts.

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from it, showing the contract price to be \$12,823 10, to the Controller for payment.

In order to sustain the charge of conspiracy, it is necessary that two or more persons should be knowingly engaged or concerned, or connected tyzether in an endeavor to commit some unlawful act. A charge of conspiracy cannot be sustained, although it may be conclusively proved that one has endeavored to commit an unlawful act, unless it is also proved that at least one other was some way criminally connected with him in the same endeavor. Now, in this case, granting it to be already shown that defendent Smith interpolated the figure. It is the purpose or with the intent of defrauding the City out of \$10,00, yet, it that was done for the purpose of obtaining the money for his own use, and without the knowledge or assent of Fitzpafrick, the charge of conspiracy could not be sustained against either of the defendants, aithough another and a graver charge might be against the defendant Smith.

It becomes, therefore, a material inquiry as to whether defendant Fitzpatrick was in any way connected with the interpolation.

Smith's handwriting, and expressed them to be in payment for the Forty-nith street contract.

If defendant Fitspatrick had at that time been interested in no other contracts with the Corporation, and had no moneys soming to him from other contracts, his receiving and using the bonds and check would have been strong evidence of his having been pivy to the interpolation, and of its having been done with his howisedge and consent, for his benefit, in part at least.

But the prosecutor is witnesses show that defendant Fitzpatrick was interested in various other contracts, and that there was due him at this time from the city at least \$40,000.

That on the 20th day of November, 1857, the following order was made by the Supreme Court, in the matter of the Bowery Bank's

was made by the Supreme Court, in the matter of the Bowery Bank:

"At a Special Term of the Supreme Court of the State of New-York, held at the City Hall in the City of New-York, on the 20th of Nevember, 1857. Present: The Hon. Thomas W. Clerke, Justice. In the matter of the Bowery Bank:

"Upen reading and filing the petition of John Fitzpatrick, setting fitth that he is the owner of a certain contract made in the year 1834, by one John Quin, with the Mayor, aldermen and Commonsity of the City of New-York, for regulating and grading Fitty-seventh street, between the Third and Fifth avenues in said City. Also, of a certain other contract made in August, 1856, by Charles Devin with the said Mayor, Aldermen, &c., for regulating and grading Fifty-second street, from the Fourth avenue to the East River. Also, of a certain other contract made in April,

Common lity of the City of each of the Third and Fifth avenues in said City. Also, of a certain other contract made in August, 1856, by Charles Devlin with the said Mayor, Aldermen, &c., for regulating and grading Fifty-second street, from the Fourth avenue to the East River. Also, of a certain other contract made in April, 1857, between the said Charles Devila and the said the Mayor, &c., for setting curb and antier and flagging the Fourth avenue from Seventy-ninth street to Ninety-second street. Also, of a certain other contract made in the year 1855, between John Mechan and the said the Mayor, Aldermen, &c., of New-York, for the regulating act grading of the New Bowery, from Chatham square to Franklin equare in said city.

"That the raid several contracts were heretofore assigned to, at dwere held by the Bowery Bank as collateral security for certain advances made, or which were to have been made thereon.

"That on or about the — day of December last, an accounting was had between the said Bowery Bank and the said Charles Devlin, in relation to all such advances, upon which accounting it appeared that all advances made on account of said contracts had been repaid, but that no reassignment of said contracts was made, and the same still stand in the rame of the said Bowery Bank, and praying that an order might be entered, directing John A. Stuart, the Receiver of said Bank, to assign or release to the said petitioner the said several contracts, or any apparen; then or claim which he might have therein.

"And upon reading and filling an order made on the 17th day of November, 1857, requiring the said Receiver to show cause before one of the Justines of this Court this day why the prayer of the said petitioner should not be granted, and the said Receiver and the said bank has a lien upon said contracts for requisiting and grading Fifty seven h street, from the Third to the Fifth avenue, and also that the patitioner, John Fitzpatrick is indebted to said Bank has all lien upon add contracts for the repair the said

the said retree also continued to the said petitioner, and what securities, if any, the said Bank hold for the sanes. And that he report to this Court with all onvenient speed.

"Copy. That said Branigan at the time when he left at the Controller's effice the order from Fitzpatrick on which the three boads and check above mentioned were dedivered to him also left with that order the above order of the Supreme Court.

Branigan awars that he frequently received checks and bonds from the Controller's Office on Fitzpatrick's account. That in consequence of the frequency of such occurrences he cannot also any of the particulars of this one transaction. That he was never sent by any one to collect moneys for paying Forty ninh street; that he was never sent for any specific money, that he presumes the conversation which book place on bids occasion was in the language of witness as follows: "The general question was put to him (Smith), which was to sak him whether if there was not movey coming on the large number of contracts which Mr." Fitzpatrick had," but he has no distinct recollection of what was and on this particular day; that he did not tread the receipt be signed, but signed it at the direction of Smith, supposing it to be all correct, but did not know it is contents, and never communicated them to Fitzpatrick; that he first learned its contents from the newspapers about three weeks before his examination; that he did not see Smith make out the memorandum for the Controller, and never as with the second of \$2.10 and the contracts amount of this contents from the respect that these bonds do not show on what account they are issued; also, that the bond for \$2.10 and the contract amount of this contract when to this day been entered in the book containing the abstract of the assessment rolls.

It would also seem from the evidence of Centroller Flags, that these two \$4.00 bonds have since been charged against Fitzpatrick, as payment in some of the contracts amount of this contents. There is no direct proof of defe

laying at any time been aware of such alteration having been made. But this fact is thought to be made out by proof of circumstances

Final and conspiracy must almost invariably be proved by dircum startial evidence; it is not necessary to produce direct and positive proof. But it is essential that the circumstances relied on to entain the fraud or conspiracy should to a moral certainty actually exclude every hypothesis but the one proposed to be proved. (Stark on Ev., vol. 1, p. 374.)

Taking all the facts and circumstances proved in this case together, they do not exclude the hypothesis that Fitzpatrick received the two \$5,000 bonds supposing they were payments on secount of the smouther doe him on centracts other than the Fortytinth street one, and the \$2,200 bond and \$43,10 check in full for the amount due him on the Forty-ninth street one, and the \$2,200 bond and \$43,10 check in full for the amount due him on the Forty-ninth street one, and the \$2,200 bond and \$43,10 check in full for the amount due him on the Forty-ninth street contract, without any knowledge or suspicion on his part of the interpolation or of the contents of the receiver of the amount for the receiver of the amount security in the street of the receiver of the amount is elained to be due, and for an avignment of the contracts, and a reference to ascertain the amount due the receiver of the amount be claimed to be due, and for an avignment of the contracts, and an avignment afterward on payment of the arconnect of the adouted the require course) must have been for the purpose of note specially obtaining money on one or more of the contracts mentioned in that order.

Firspatrick, when these two \$5,000 bonds were brought to him by Bentiagen, a few days after the service of this order, might reasenably suppose they were payments on account of some one or more of these contracts.

Not only do the facts and circumstances proved not exclude the hypothesis of innocence on the part of Fitspatrick, but are consistent with that hypothesis, and, is

with any other.

It cannot be said that the facts and circumstances proved in
this case recessarily lead to the conclusion that Fitzpatrick had a
hand in the aiteration, or knew at any time of its having been
made.

Upon these views, enter aining the opinion that defendant Fitzpatrick was no wise connected with the interpolation, I must
direct the discharge of the defendants as to charge of conspiracy.

In the course of this investigation, however, it has become apparent to me that defendant Smith has franchismity sitered a pathe record kept in the Centroller's affice, which assatintate the crime of forgery in the second degree. I therefore order him to be held to bell in the sum of \$5.000 to answer for this offense.

The bail was immediately furnished, and the case will be brought before the Grand Jury on the opening of the June term of the General Sessions.

MARINE COURT-June 1.—Before Judge Mayeand and

MARINE COURT—June 1.—Before Judge Maysand and a Juny.

ONE OF THE CITY FATHERS IN COURT.

William Armstrong agt. James Owens.

This was an action brought to recover of Alderman Owens. 5x0 for an aleged assault and bettery and felse imprisonment. The defendant is largely engaged in builting, and employed the plaintiff to do certain curpenter work for an agreed price on contract. Plaintiff completed the work, readered an eccount claiming contract price, but subsequently he sought to charge the defendant by day's work as 62 per day. He used the limit of the exceunt by day's work, and defendant sent for him to call at his office to see if a settlement could not be made. Plaintiff called on the evening of the 2Th of March lant. An attempt was made to settle, but the plaintiff persisted in claiming by day's work, while the Alderman insisted that it was to be done on the contract. The Alderman failing to convince the plaintiff that the work was by contract, took from his deat the bill plaintiff had rendered, wherein he claimed under construct, and stand to the plaintiff that be should use this evidence against him. Flaintiff suched the bill and started for the door, and said he would take it with him. The Alderman caught him and chea'd him, and plaintiff force the bill up. The Alderman immediately took him to the Station-House, where he was locked up till he produced a duplicate of the bill destroyed, when, by the Alderman's checkion, he was discharged. The Judge charged the Jury that the defendant had a right to use as we here as a was necessary to prevent the plaintiff from destroying the bill in question, or from taking it away, and to convey him to the Station-House, where he was locked to an extension of the other ball on the owen here as we have compared to the other head of the bill destroyed, when, by the Alderman's checkion, he was discharged. The Judge charged.

COURT OF COMMON PLEAS—Serectat Trans—June 2.—
Before Judge Hitton delivered the following opinion and decisions:
Moore sgt. Willett, Sheriff.

This action is brought to recover damages for the unlawful taking and carrying away by the defendant of certains good belongin to piatotiff. Upon proof of the death of the plantiff, leaving a will by which he nominated Samuel Moore and William Wright his executors, and that letters testamentary had been granted thereon to Moore as sole acting executor (Wright having dec ined to act or qualify), a motion is new made to permit the action to continue in the name of the acting executor as plaintiff.
The cause action being one that servitues the death of a part of the cone he to reason for deep ying this appli ation, unless, extra the cone he to reason for deep ying this appli ation, unless, excluded to the argument as being conclusive upon the question that where there are everal executors they must all join in the

sec. 2.) Motion granted.

Caisland agt. The Metropolitan Errand and Carrier Express

Company.

It appears that after the recovery of this judgment, and in July last, Geo. G. Jones, the then President of the defendants, purchased and took an assignment of it from the piaintiffs.

Company.

I see no legal objection to such a proceeding, and the motion must therefore, be denied.

must, therefore, be denied.

DECISIONS.

Percival agt. Percival.—Action for divorce. The
Judge ordered an allowance of \$5 per week pending the littletion, for allmeny, and \$50 counsel fee.

McMann agt. Benjamin.—Motion for leave tecerve
proposed smended answer granted.

SUPERIOR COURT—SPECIAL TERM—JUNE 2—Bebre Juige
HOFFMAN.—DECISIONA.
Ches. A. Stebbins et al. agt. Jas. C. Willett, Sheriff,
kc.—Notion for a new trial granted, with \$10 coe a.
Alva Spear et al. agt. Martin Willard and wife.—
Injunction continued until further ordered.
Francis Burke agt. Rosanna Burke et al.—Comlaint dismissed, with costs.

Francis Burke agt. Rosana Burke et al.—Com-laint dismissed, with costs.

Thos. Fielden et al. sgt. Louis Emile Labons et al.—Ordered that T J. Glover be substituted as attorney of record terin for Pierre François Labons and Edouard Ernest Labons two of the defendants herein, in the place of Was. W. Van Was ten who heretofore appeared on behalf of such defendancs. Fi tre François Labons and Edouard Ernest Labons, are at libery of file and serve, within five days, a separate plea of the potential issue as of the 19th of Sept., 1854. This ordes is made without privatice to any lieu or claim of Was. Van Wagsten and of Fran-tis Dominick.

SUPREME COURT-CRAMBERS-June 2-Boise Jos. Edward V. Price agt. Wm. A. Wheeler et al.—Mo-tion granted, with \$10 costs.

NOTICE TO THE BAR.—Judge Clerke wishes to noti-fy the members of the profession that he has removed to Bost Thirty-fourth street, one door west of Lexington avenue.

UNITED STATES CIRCUIT COURT-JUNE 2-Before Judge

INGRESOLL.

RESISTING CUSTOM-HOUSE OFFICERS—NOT GUILTY.

The United States agt. Omar Pergeline et al.

This case was finished this afternoon. The Judge charged the Jury that Custom-House efficers, acting under a warrant to seize goods, had no more right to take possession of a man's private papers than they would have to seize his person. The Jury found a verdict of not guilty.

COURT OF SPECIAL SESSIONS—June 1.—Sefere Justices
BROWNELL, WELSH and BRENSAN.
Number of cases on the Calendar, 71.
James Ogle was convicted of picking a lady's
pocket of a portemonnale containing bank notes and a railroad
compon. Penitentiary six months.
Thomas Keenan was convicted of stealing a pocketbook and edd dig. Judgment suspended. book and gold ring. Judgment suspended.

John Wennyas was convicted of stealing a bale of
tobacco. Penitentary three months.

Armidavis La Chaldros was convicted of stealing ver coins, 21 cents. Judgment suspended. Bridget Cain was convicted of stealing a piece of

worsted goods. Penitentiary two months.
George Myers was convicted of stealing six feet of ead pipe. Penitentiary two months.
Louisa Williams was convicted, on two charges, of stealing clothing. Remanded for sentence.

John Bender was convicted of stealing four pairs of patent tester gaters. Remanded for sentence.

John Kyan was convicted of stealing a silver watch.

nitentiary three months.

Thomas Hancock pleaded guilty to stealing a gold Thomas Hancock pleaded guilty to stealing a gold watch. House of Refuge.

John Kennedy was convicted of stealing a shoe. Penitenitary six months.

John Burke pleaded guilty to stealing two bundles of sewing silk. Fenitenitary two months.

Mary Wilson pleaded guilty to stealing two pieces of insertion. Penitenitary two months.

Jacob Weaver pleaded guilty to stealing a silver watch. Penitenitary two months.

Margaret Gaffrey pleaded guilty to stealing a bag of foor. Judgment suspended.

James Carroll pleaded guilty to stealing a bag of lead pipe. Penitenitary two months.

James McArdle was convicted of an assent and battery on Joseph Brown. Fined \$5.

Louis Knout, Pauline Schwaart and Paul Garde were severally convicted of an assent and bettery on Nicholas Fowers.

battery on Joseph Brown. Fined \$5.

Louis Knout, Pauline Schwart and Paul Garde were severally convicted of an assault and battery on Richoles Forests. Scatence deferred until Saturday.

Thomas Welsh, a policeman of the Fourth Precinct, was convicted of an assault and battery on Anne Locks, by besting her with his club. City Fracon ten days and fined \$15.

George Barry was convicted of an assault and battery on Fatrick Hunter. Judgment suspected.

William Walker was convicted of an assault and battery on George K. Burns. Fined \$10.

William Cromer was convicted of an assault and lattery on George K. Burns. Fined \$10.

William Williams was convicted of an assault and lattery on George K. Burns. Fined \$5.

William Williams was convicted of an assault and battery on Jacob Franch. Pentientiary 2 mooths.

Patrick McGuire was convicted of an assault and battery on Almos Brown. Judgment suspended.

William Donnelly was convicted of an assault and battery on Wilsiam Carl. Pentientiary 2 mooths.

Joseph Welch was convicted of an assault and battery on Albert White. City Prison 16 days.

Edward Haley was convicted of an assault and battery on Mommeuth B. Wilson. Pentientiary I mooth.

Thomas Farr pleaded guilty to an assault and battery on Patrick Ledden. Judgment suspended.

John Boyle pleaded guilty to an assault and battery on Patrick Indeed. Judgment suspended.

Number of convictions, 32.

COURT CALENDAR—THIS DAY.

SUPREME COURT—CIRCUIT.—Part IL.—Nos. 1991, 1813, 1905, 1907, 1909, 1911, 1913, 1915, 1917, 1918, 1919, 1921, 1922, 1925, 1927, 1929, 1931, 1933, 1935, 1937.

BARBADOES .- A letter from Barbadoes to The Philadelphia Exchange, dated May 4, says:

"The weather is extremely dry, and has been so for six weeks, much to the advantage of augar making; but the searcity of water has been detrimental to the growth of rative food."

THOMAS H. BOOTH & Co., No. 5 Greene street, opposite perance Hall, are our Agents for the sale of Tun Tunou Tunovon, N. J.

PRESTOR, N. J.

JOHN PITTOCK (Masonic Hall, Fifth street) is Agent for the
sale of THE TRIBUNE in PITTSBURGE.